

REMARKS

Applicants' representative thanks the Examiner through the courtesy of a telephone interview on September 26, 2006, in which the Office Action was discussed and clarified. The present response addresses substantive points discussed during the interview. Accordingly, the present response is believed to constitute a complete written statement of the reasons presented in the interview as warranting favorable action, as required by 37 C.F.R. §1.133.

Claims 65-73, 77-88, 91-98, 129, 151, and 161-165 remain pending for examination.

Rejections under 35 U.S.C. §103(a) in view of Yoon and Bates

Claims 65-71, 73, 77-85, 87, 91-98, 129, and 161-165 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yoon, *et al.*, U.S. Patent No. 6,495,283 ("Yoon") in view of Bates, *et al.*, U.S. Patent No. 5,338,625 ("Bates").

Applicants do not see where Yoon discloses or suggests a substantially planar substrate. The Office Action identifies item 1 in Figs. 2-5 of Yoon as being a "collector planar substrate," and item 5 as being a "second collector planar substrate." In the telephone interview of September 26, 2006, the Examiner noted that item 5 was a typographical error, and the "second collector planar substrate" was intended to be item 6. However, neither of these appears to be a substantially planar substrate. Item 1 is clearly not planar, having a "serpentine" profile in cross section. With regard to item 6, as shown in Figs. 2 and 3 of Yoon, item 6 (a second collector) is shown connecting anode 4 with the environment outside of encapsulation film 5, and does not appear to be substantially planar; instead, collector 6 includes a portion that extends through encapsulation film 5. Furthermore, substrate 10, upon which collector 1 is located, also does not appear to be substantially planar, instead having a "comb-like" structure in cross-section. Accordingly, it is not seen where Yoon discloses first and second substantially planar substrates.

In the September 26, 2006 telephone interview, the Examiner also noted that "planar" is given a broad definition, i.e., with respect to the underlying substrate. Thus, according to the Examiner, the first collector 1 in Yoon can be considered to be "planar" relative to substrate 10, even if the substrate is not actually planar, as first collector 1 "conforms" to the surface of substrate 10.

However, Applicants believe such a broad reading of “planar” is inconsistent with the instant specification, and exceeds the ordinary and customary meaning of “planar” as used by those of ordinary skill in the art. It is believed that “substantially planar” would be understood by those of ordinary skill in the art, in light of the specification. An example of a substantially planar substrate can be seen in Fig. 3D. In this figure, electrodes 12 and 14 are disposed on substantially planar substrates, i.e., current collectors 30. Thus, the term “substantially planar,” as used in claim 65, is used in its ordinary sense of being essentially flat, and Yoon nowhere discloses or suggests first and second substantially planar substrates.

Moreover, Yoon teaches away from a substantially planar substrate. In Yoon, the area of the collectors is increased by forming trenches (column 2, lines 10-18) upon which the collectors (i.e., item 1 in Fig. 2) are formed. Thus, Yoon teaches using a reticulated, non-planar substrate. Using a substantially planar substrate would defeat the purpose of adding trenches as taught by Yoon, and Yoon does not teach a collector that does not include a trench. Yoon does not teach or suggest increasing the areas of the electrodes (cathode 2 or anode 4) relative to the collectors (see, e.g., column 3, lines 52-62), and thus, Yoon teaches away from substantially planar substrates having reticulated electrodes, as recited in the instant claims.

The Patent Office also refers to column 1, lines 21-36, and column 3, line 21 to column 5, line 20 in Yoon as teaching a reticulated electrode. However, column 1, lines 21-36 describes only the prior art, and does not appear to disclose or suggest first and second substantially planar substrates. Column 3, line 21-column 5, line 20 describes Figs. 2-5, and as noted above, does not disclose or suggest first and second substantially planar substrates.

Bates appears to be relied on only for size, and Bates does not appear to disclose or suggest first and second substantially planar substrates.

Accordingly, it is believed that the combination of Yoon and Bates, to the extent that such a combination could be made (which Applicants do not concede) does not render obvious independent claim 65, and it is respectfully requested that this rejection be withdrawn. The remaining claims each depend, directly or indirectly, from independent claim 65 and are believed to be allowable for at least the above-mentioned reasons. Withdrawal of the rejection of these claims is also respectfully requested.

Rejection of Claims 72, 86, and 88 under 35 U.S.C. §103(a)

Claims 72, 86, and 88 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yoon in view of Bates, and further in view of Chen, U.S. Patent No. 5,677,080 ("Chen").

Claims 72, 86, and 88 each depend, directly or indirectly, from claim 65. For at least the reasons explained above with respect to the rejection under §103(a) in view of Yoon and Bates, the premise of the rejection of independent claim 65 (i.e., that Yoon and Bates render claim 65 obvious) is believed to be incorrect. Accordingly, while Applicants do not concede that there would have been any suggestion or motivation to combine Yoon, Bates, and Chen in the manner suggested in the Office Action, the present rejection can not stand, regardless. Thus, withdrawal of the rejection of claims 72, 86, and 88 is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed the pending application is in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge Deposit Account No. 23/2825, under Order No. M0925.70108US00 from which the undersigned is authorized to draw.

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Respectfully submitted,

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